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Attorneys for Defendants
COUNTY OF SAN JOAQUIN,
LAZARO GONZALES, CHARLIE FOO,
RACHEL APODACA (erroneously sued as “Rachel Akers”),
and ALISTAIR SHEAFFER (erroneously sued as “Alistair Schaeffer”)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NICHOLAS CODY, et al.,)	Case No.: 2:23-cv-02318-TLN-KJN
Plaintiffs,)	
vs.)	STIPULATION AND ORDER
COUNTY OF SAN JOAQUIN, et al.,)	RE PLAINTIFFS FILING SECOND
Defendants.)	AMENDED COMPLAINT AND
)	DISMISSING DEFENDANTS’ PENDING
)	MOTION FOR MORE DEFINITE
)	STATEMENT WITHOUT PREJUDICE
)	
)	[No hearing requested]

1 This stipulation is entered into between Plaintiffs and Defendants County of San Joaquin,
2 Lazaro Gonzales, Charlie Foo, Rachel Apodaca (erroneously sued as “Rachel Akers”), and
3 Alistair Sheaffer (erroneously sued as “Alistair Schaeffer”) (collectively, “Defendants”), all
4 through their counsel of record.

5 **RECITALS**

6 A. On October 15, 2023, Plaintiffs filed this lawsuit, *pro se*.

7 B. On January 5, 2024, Plaintiffs filed their First Amended Complaint.

8 C. On February 1, 2024, Defendants filed a Motion For More Definite Statement,
9 which was scheduled for hearing on March 12, 2024.

10 D. On February 15, 2024, counsel substituted into the case for Plaintiffs.

11 E. On February 16, 2024, the Court issued an Order at Dkt. 15 that stayed the case
12 and vacated the March 12, 2024, hearing. The Order further required counsel to confer and
13 file a statement by March 1, 2024, indicating how the parties intend to proceed, and also
14 addressed potential ways of proceeding. The Order also removed the “pro se” designation
15 from the case and referred the case to the District Judge for further proceedings.

16 F. Counsel for the parties (Robert R. Powell for Plaintiffs, Dana A. Suntag for
17 Defendants) have conferred and agree to the following stipulations, and respectfully request
18 this Court order same.
19

20 **IT IS STIPULATED AND AGREED** by the parties, through their counsel of record,
21 as follows:

22 1. The pending Motion For More Definite Statement is dismissed without
23 prejudice.

24 2. Plaintiffs shall file a Second Amended Complaint by March 12, 2024.

25 3. Defendants reserve all defenses, and shall have 30 days from filing of the
26 Second Amended Complaint to move, plead, or otherwise respond to it, including without
27 limitation by motion under F.R.C.P. Rule 12.
28

4. The Second Amended Complaint will correct the name of “Rachel Akers” to Rachel Apodaca; this will not require the filing of an amended/corrected summons, and all parties, by and through counsel, acknowledge and agree all references in the First Amended Complaint to “Rachel Akers” were references to “Rachel Apodaca.”

Dated: February 23, 2024

HERUM\CRABTREE\SUNTAG, LLP

By: /s/ Dana A. Suntag

DANA A. SUNTAG

Attorneys for Defendants COUNTY OF
SAN JOAQUIN, LAZARO GONZALES,
CHARLIE FOO, RACHEL APODACA
(erroneously sued as “Rachel Akers”),
and ALISTAIR SHEAFFER (erroneously
sued as “Alistair Schaeffer”)

Dated: February 23, 2024

POWELL & ASSOCIATES

By: /s/ Robert R. Powell

ROBERT R. POWELL

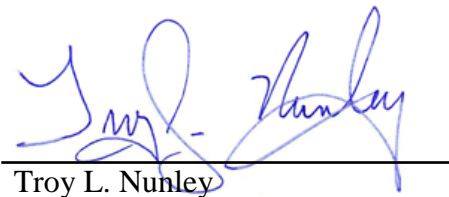
Attorneys for Plaintiffs

ORDER

Based on the foregoing stipulation of the parties, and good cause appearing therefor, the Stipulation recited above is hereby adopted as an Order of this Court.

IT IS SO ORDERED.

DATED: February 23, 2024



Troy L. Nunley
United States District Judge